

REMARKS

Favorable reconsideration is respectfully requested in light of the above amendments and the following comments. The independent claims have been amended to more particular describe the present invention by requiring that the apparatus be hand usable and that the apparatus be adapted for dispensing the adhesive film onto a stationary elongated structure (or handrail). These amendments are clearly supported at page 11, lines 23-28 of the instant application. No new matter has been added as a result of these amendments.

Applicant respectfully traverses the Examiner's rejection of claims 1-6, 8-9, 1-13, 16-17 and 19-22 under 35 U.S.C. §103(a) as unpatentable over McLeod et al., U.S. Patent No. 6,450,228, in view of Clar, U.S. Patent No. 4,525,237, or Oosterlinck, U.S. Patent No. 6,187,128. It appears that McLeod et al. are discussed in the paragraph bridging pages 2 and 3 of the instant application as describing an apparatus that applies a film to a moving handrail or other elongated structure. McLeod et al. describe and suggest affixing their apparatus to a balustrade or other stationary portion of an escalator, and applies film to the moving elongated structure. This reference appears to rely on a complicated alignment method.

In stark contrast, the claimed invention recites an apparatus that is hand usable and that may in fact be configured to dispense an adhesive film onto a stationary elongated structure (or handrail). The claimed invention describes an apparatus that is simpler and that is easier to operate than the complicated structure described by McLeod et al. McLeod et al. fail to disclose all elements of the claimed invention.

The Examiner has cited both Clar and Oosterlinck as disclosing apparatuses for dispensing adhesive films in which a film is separated into first and second layers, with the first and second layers being directed in opposite directions. However, neither reference is believed to properly remedy the noted shortcomings of McLeod et al.

In particular, Clar describes an applicator that is adapted to dispense reinforcing tabs. While Clar appears to describe an apparatus that may be hand usable, there is simply no motivation provided by either McLeod et al. or Clar to combine the teachings of McLeod et al. and Clar to obtain the claimed invention, which recites a hand-usable apparatus that is adapted to dispense an adhesive film onto a stationary elongate structure (or handrail).

One of skill in the art would not believe these references to be combinable, as McLeod et al. teaches (as noted above) an apparatus that must be held stationary while the substrate moves

through or below the apparatus, while Clar appears to describe an apparatus that may move while dispensing reinforcing tabs onto a stationary substrate. Indeed, any attempt to do so would appear to drastically alter the function of the apparatus disclosed by McLeod et al. and thus cannot be considered to be obvious.

Oosterlinck describes a labeling apparatus adapted to dispense labels onto a moving substrate. Thus, Oosterlinck cannot be considered as describing or suggesting an apparatus adapted to dispense an adhesive film onto a stationary elongate structure (or handrail). Even if Oosterlinck is considered as describing or suggesting possibly dispensing labels onto a stationary substrate (a point not conceded by Applicant), there is no motivation, either within McLeod et al. or within Oosterlinck, to suggest combining these disparate disclosures to reach the presently claimed invention.

There is no motivation to combine either or both of the secondary references with the primary reference to achieve the claimed invention. Consequently, the *prima facie* obviousness rejection is flawed and should be withdrawn. Favorable reconsideration is respectfully requested.

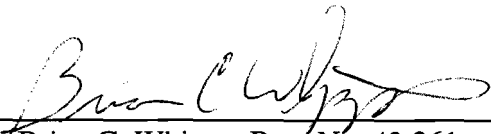
Applicant respectfully traverses the Examiner's rejection of claims 7 and 14 under 35 U.S.C. §103(a) as unpatentable over McLeod et al., U.S. Patent No. 6,450,228, in view of Clar, U.S. Patent No. 4,525,237, or Oosterlinck, U.S. Patent No. 6,187,128, and further in view of Januska, U.S. Patent No. 4,775,442. Claims 1 and 12, from which claims 7 and 14 depend, respectively, have been distinguished above as being patentable over McLeod et al., Clar and Oosterlinck. Thus, claims 7 and 14 are similarly patentable over these three references. As Januska is not believed to remedy the noted shortcomings of the other references, the *prima facie* obviousness rejection is flawed and should be withdrawn. Favorable reconsideration is respectfully requested.

In view of the above, Applicants submits that pending claims are in condition for allowance. Reconsideration is respectfully requested and a Notice of Allowance is earnestly solicited. Please continue to transmit any subsequent Communications to:

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Respectfully submitted,

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